



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17
AUGUSTA, MAINE 04333

BOARD ORDER

IN THE MATTER OF

JAY Y MCCRUM, DARRELL E MCCRUM,)	
DAVID B MCCRUM, WADE S MCCRUM,)	ADMINISTRATIVE CONSENT
AND ROBERT W LUNNEY)	AGREEMENT
D/B/A J&D MCCRUM)	AND ENFORCEMENT ORDER
MARS HILL, AROOSTOOK COUNTY)	
MAINE)	

This Agreement by and among Jay Y McCrum, Darrell E McCrum, David B McCrum, Wade S McCrum, and Robert W Lunney d/b/a J&D McCrum ("JDM"), the Maine Board of Environmental Protection (the "Board"), and the State of Maine Attorney General is entered into pursuant to 38 M R S A § 347-A(1) and in accordance with the Department of Environmental Protection's ("the Department") Consent Agreement Policy, as amended

The parties agree as follows:

- 1 JDM operates a potato washing facility in Mars Hill, Maine on a parcel of land as described and recorded in Book 03385 on Page 023 of the Aroostook County Registry of Deeds Title to the property is in the names of Jay Y McCrum, Darrell E McCrum, David B McCrum, Wade S McCrum, and Robert W Lunney
- 2 The Board has regulatory authority over the activities described hereinafter
- 3 JDM does not have a Waste Discharge License issued by the Department
- 4 The JDM facility receives potatoes from farms by truck, washes them, and sends them elsewhere for further processing Some preliminary screening for larger solids is done before the solids- and BOD-containing process water is discharged from the building JDM was then discharging its process wastewater to the ground and, via a roadside ditch and a culvert, to Prestile Stream, a Class B water of the State as defined in 38 M R S A § 469 By the fall of 2000, the Department began receiving complaints regarding the roadside discharge of foul-smelling wash water On October 23, 2000, JDM was sent the first of a series of correspondences, asking them to address this situation (October 23, 2000 letter, June 01, 2001 visit and discussion, March 20, 2002 visit and discussion) Prior to June 1, 2001, JDM had excavated the roadside drainage in the path of their discharge into a large earthen berm, eventually expanding it to include most of the area ahead of the culvert. In a letter from the Department dated June 20, 2003, JDM was explicitly informed of the need to develop a new disposal option for their waste water, and to carry out several actions to assure that the discharge would cease and that the affected areas would be restored A site visit by Department personnel on September 09, 2003 found the discharge ongoing A site visit by Department personnel on March 08,

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2004 found the same discharge ongoing. A May 24, 2004 site visit by Department enforcement personnel found the same discharge ongoing, at this point, JDM facility supervisor Wade McCrum, was verbally informed that the facility's un-permitted discharge was illegal, that they needed to obtain a permit, and that an enforcement action was pending. Site visits by Department personnel in the fall of 2004 and in January 2005 indicated that the roadside lagoon arrangement was ongoing, and that JDM continued to operate a surface wastewater disposal system without obtaining a license from the Department. In November, 2004, a third detention lagoon had been excavated on the south side of the facility on JDM property, un-permitted by the Department, into which wastewater was subsequently discharged. JDM represents that all discharges to the roadside lagoon system ended in June, 2004, and that subsequent discharges were directed to the third detention lagoon.

5. The actions described in paragraph 4, above, are violations of 38 M.R.S.A. §§ 413(1) & (1-A)
6. On June 21, 2004, the Department issued a formal Notice of Violation to JDM, stipulating that within 30 days of receipt JDM was to submit to the Department an acceptable plan for the immediate elimination of the illegal discharge. JDM did not respond by this deadline, and their August 30, 2004 response did not address the Department's concerns. As of the end of June, 2005, the discharge was eliminated.
7. This Agreement shall become effective only if it is accepted by the Board and approved by the Attorney General.
8. To resolve the violations referred to in paragraph 4 above, JDM agrees to
 - A. Permanently discontinue its unlicensed discharge of process wastewater to the ground and, via a roadside ditch and a culvert, to Prestile Stream
 - B. Pending a determination on JDM's December 31, 2005 wastewater discharge license application, utilize the present washing and cleaning system, installed in April 2005, for all process wastewater generated from JDM's Mars Hill potato washing facility, and direct any and all generated process wastewater to the "third detention lagoon," described in paragraph 4, only
 - C. Take all steps necessary to comply with any licensing decision made with regard to JDM's December 31, 2005 application for a wastewater discharge license
 - D. By September 01, 2006, de-water the roadside mud ponds, provide appropriate treatment for the water, and dispose of the mud and accumulated solids at a location approved by the Department

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- E By September 01, 2006, level and remove the berms and any remaining pond embankments
- F By September 01, 2006, slope, seed, mulch, and otherwise restore the areas in the town right-of-way to the satisfaction of the Town of Mars Hill
- G To resolve the violations described in this consent agreement, JDM agrees to pay a civil monetary penalty in the sum of Seven Thousand, Two Hundred and Seventeen dollars (\$7,217 00), as follows
- 1) Pay to the *Treasurer, State of Maine*, the sum of One Thousand, Four Hundred and Forty Three dollars (\$1,443 00), on signing this agreement
 - 2). Pay to School Administrative District 42 the maximum amount of Five Thousand, Seven Hundred and Seventy Four dollars (\$5,774 00), for the purpose of completing the **Maine Clean School Bus Project** Supplemental Environmental Project ("SEP"), more fully described in Appendix A, on receipt of bus retrofit invoices Should the total invoicing from SAD 42 for the retrofit amount to less than \$5,744 00, remand the difference to the Department in a check, payable to the *Treasurer, State of Maine* In addition,
 - i Any public statement, oral or written, in print, film, or other media, made by JDM making reference to the SEP described above shall include the following language
"This project was undertaken in connection with the settlement of an enforcement action taken by the Maine Department of Environmental Protection for water discharge violations"
 - ii Any activities undertaken by JDM associated with the SEP shall be in accordance with all applicable Federal and State laws and rules, and any pertinent Department of Environmental Protection Orders.
 - iii Any payments made by JDM pursuant to the SEP described above are not tax deductible and are ineligible for certification as tax exempt pollution control facilities pursuant to 36 M R S A §§ 105, 211
- H Pay to the *Treasurer, State of Maine*, upon demand by the Department, the sum of \$100 00 per day per violation for violating any provision of this agreement This penalty shall be in addition to all other penalties and remedies available to the Department

- 9 The Board and the State of Maine Attorney General grant Darrell McCrum, David McCrum, Wade McCrum, and Robert Lunney d/b/a J&D McCrum a release of their causes of action against Darrell McCrum, David McCrum, Wade McCrum, and Robert Lunney d/b/a J&D McCrum, for the specific violations listed in paragraph 4, above, on the express condition that all actions called for in paragraph 8, above, are completed in accordance with the express terms and conditions of this Agreement The release shall not become effective unless and until the above condition is satisfied

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ORDER

Pursuant to 38 M.R.S.A. § 347-A(1) and the Department's Consent Agreement Policy, as amended, and based on the Agreement set forth above, the Board ORDERS JDM to

- A Permanently discontinue its unlicensed discharge of process wastewater to the ground and, via a roadside ditch and a culvert, to Prestile Stream
- B Pending a determination on JDM's December 31, 2005 wastewater discharge license application, utilize the present washing and cleaning system, installed in April 2005, for all process wastewater generated from JDM's Mars Hill potato washing facility, and direct any and all generated process wastewater to the "third detention lagoon," described in paragraph 4, only
- C Take all steps necessary to comply with any licensing decision made with regard to JDM's December 31, 2005 application for a wastewater discharge license
- D By September 01, 2006, de-water the roadside mud ponds, provide appropriate treatment for the water, and dispose of the mud and accumulated solids at a location approved by the Department
- E By September 01, 2006, level and remove the berms and any remaining pond embankments
- F By September 01, 2006, slope, seed, mulch, and otherwise restore the areas in the town right-of-way to the satisfaction of the Town of Mars Hill
- G To pay a civil monetary penalty in the sum of Seven Thousand, Two Hundred and Seventeen dollars (\$7,217 00), as follows
 - 1). Pay to the *Treasurer, State of Maine*, the sum of One Thousand, Four Hundred and Forty Three dollars (\$1,443 00), on signing this agreement
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"This project was undertaken in connection with the settlement of an enforcement action taken by the Maine Department of Environmental Protection for water discharge violations"

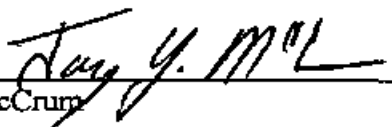
ii Any activities undertaken by JDM associated with the SEP shall be in accordance with all applicable Federal and State laws and rules, and any pertinent Department of Environmental Protection Orders

iii Any payments made by JDM pursuant to the SEP described above are not tax deductible and are ineligible for certification as tax exempt pollution control facilities pursuant to 36 M R S A. §§ 105, 211


H Pay to the *Treasurer, State of Maine*, upon demand by the Department, the sum of \$100 00 per day per violation for violating any provision of this agreement This penalty shall be in addition to all other penalties and remedies available to the Department.

IN WITNESS WHEREOF the parties have executed the Agreement consisting of 6 pages

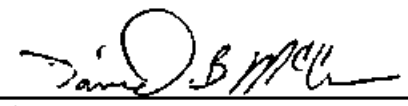
JAY Y MCCRUM

 DATE 5/16/06
Jay Y. McCrum

DARRELL E. MCCRUM

 DATE 5/16/06
Darrell E. McCrum

DAVID B MCCRUM

 DATE 5/17/06
David B. McCrum

WADE S MCCRUM

Wade S. McCrum DATE 5/17/06
Wade S. McCrum

ROBERT W LUNNEY

Robert W. Lunney DATE 5/16/06
Robert W Lunney

BOARD OF ENVIRONMENTAL PROTECTION

BY _____ DATE: _____
MATTHEW SCOTT, CHAIR

SEEN AND AGREED TO
State of Maine

BY _____ DATE _____
CAROL BLASI, Assistant Attorney General

Appendix A

Supplemental Environmental Project Proposal

J&D McCrum, Mars Hill, Maine

Name of Project:

Maine Clean School Bus Project

Project implementer:

This project will be coordinated by Jay Y McCrum, Darrell E McCrum, David B McCrum, Wade S McCrum, and Robert W Lunney d/b/a J&D McCrum ("JDM"), with the help of Maine Department of Environmental Protection (ME DEP) Mobile Sources Section of the Bureau of Air Quality

Project Directors

Jay & Darrell McCrum
J & D McCrum
16 Industrial Street
Mars Hill, Maine 04758
207-429-9449 (Mars Hill)
207-338-4360 (Belfast)
E-mail mccrum@pmcllc.org

Project Support:

Lynne Cayting, Mobile Sources Section Chief
Bureau of Air Quality
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017
Phone: (207)-287-2437
E-mail Lynne.A.Cayting@maine.gov

Geographic area to benefit the project:

School Administrative District 42, and associated school buses will benefit from this project. This school district covers the following municipalities: Mars Hill, Blaine, E Plantation, and Bridgewater in Aroostook County, Maine.

The Donaldson diesel oxidation catalyst muffler with Spiracle Crankcase Filter will reduce harmful diesel particulate matter by 25% from tailpipe emissions. The engine crankcase filter will remove 100% of toxic crankcase emissions.

Enforcement action:

This project is being funded as an element of the Administrative consent agreement process as a Supplement Environmental Project (SEP) as part of JDM's resolution of compliance matters as set forth in the associated Consent Agreement with the ME DEP Division of Water Quality Management

Type of project:

This will be a pollution reduction project, since it will significantly reduce by 20 to 40%, diesel tailpipe emissions to the atmosphere. The project can also be considered a Public Health benefit since reduction of diesel emissions from school buses will reduce emissions of fine particulate matter that is potentially inhaled by students and adults on and around school buses. According to the Environmental Protection Agency (EPA), exposure to diesel exhaust, even at low levels, is a serious health hazard and can cause respiratory problems such as asthma and bronchitis, lung damage and increases the risk of lung cancer. Diesel emissions are well documented asthma triggers and may increase the severity of asthma attacks. Asthma is currently the number one cause of missed school days for American children with more than 1 in 10 children in New England reporting asthma attacks.

Project description:

This project will provide the necessary funds to Maine School Administrative District 42 to purchase and install retrofit units for their diesel powered school buses. JDM will provide the funding based on the amount established by the consent agreement with the State for air emission exceedances occurred by the facility in 2003.

Crankcase emissions are created during the combustion process of reciprocating engines. These emissions include unburned fuel and blow-by gases, as well as hydrocarbon vapor, diesel soot (PM) and various engine oil contaminants. Diesel emissions can cause several environmental and health effects, some that can be mentioned are:

- Diesel soot contains significant level of small particulates, known as fine particulate matter. These fine particulate matters contribute to haze, impairing area visibility.
- Diesel exhaust also contributes to ozone formation (or smog), acid rain, and global climate change.
- Numerous scientific and health studies have indicated that exposure to diesel exhaust can pose serious health risks. Children are especially sensitive to air pollution because they breathe 50 % more air per pound of body weight.
- Fine particles in the air pose a significant health risk because they can pass through the nose and throat and lodge themselves in the lungs. These fine particles can cause lung damage and premature death. They can also aggravate respiratory conditions such as asthma and bronchitis.

The State of Maine is relying upon local school systems to adopt strategies to reduce bus idling and consider other approaches for reducing students' exposure to diesel exhaust

Maine DEP's Mobile Sources Section has secured an EPA approved vendor (Donaldson Company Inc from Minneapolis, MN) to supply diesel retrofit units to schools in Maine. This contract sets a specific cost for retrofit units, which is much lower than market and also provides installation and/or instructions-training on proper installation.

As mentioned above, this project will be implemented with support of Maine DEP Mobile Sources Section Chief, Lynne Cayting, which will be coordinating activities between Donaldson and the school Unions.

The project implementation requires the following tasks to be completed:

- 1) Obtain information on school buses fleet for School Administrative District 42 and surrounding communities
Information to include engine year and manufacture, engine model, rear or front placement and chassis make
- 2) Obtain information on school buses fleet for School Administrative District 42
- 3) ME DEP to send fleet information to Donaldson for order of retrofit units
- 4) Donaldson to manufacture retrofit units as ordered
- 5) ME DEP with assistance from JDM to find certified mechanic shop in the area to install retrofit units in buses
- 6) JDM to inform school districts of name of mechanic shop authorized to install retrofit units
- 7) School districts to order retrofit units from Donaldson
- 8) School districts to schedule and arrange installation of retrofit units with authorized mechanic shop
- 9) School districts to send invoices of retrofit units ordered and installation to JDM for payment.
- 10) JDM to track and confirm that all buses identified on items 1 and 2 are completed and report information to ME DEP
- 11) JDM to produce final SEP report to ME DEP

Existing Regulatory Requirements:

There are no local, state or federal requirements for the project implementation.

Total project budget:

As ME DEP, Supplemental Environmental Project Policy provides that up to 80% of JDM's penalty can be utilized for the project. The consent agreement established between JDM and State of Maine is in the amount of \$7,217.00. The Project can utilize maximum funds of \$5,774.00.

At this point in time, before a complete fleet inventory is available to ME DEP and JDM, there are records of school buses in specified school Unions, which may be retrofitted.

The retrofit price established with the vendor (Donaldson Co) is \$1,395 for the purchase and installation of each retrofit unit

Project schedule

Task	Responsible	Due Date
1 Obtain school bus fleet information for School Administrative District 42	Nick Archer– ME DEP	04/01/06
3 Send fleet information to EPA approved vendor (Donaldson) and order retrofit units	Lynne Cayting – ME DEP	4/15/2006
4 Donaldson to produce retrofit units	Donaldson Co	05/15/2006
5 ME DEP with assistance from JDM to find certified mechanic shop in the area to install retrofit units in buses	Lynne Cayting – ME DEP and _____ - JDM	04/30/06
6 JDM to inform school districts of name of mechanic shop authorized to install retrofit units	JDM	05/15/2006
7 School districts to purchase retrofit units from Donaldson and send invoices to JDM for payment	Roger Shaw, School District Superintendent	06/1/2006
8 School districts to schedule and arrange installation of retrofit units with authorized mechanic shop	Roger Shaw, School district superintendent,	07/30/2006
9 JDM to track and confirm that all buses identified on items 1 and 2 are completed and report information to ME DEP	Jay McCrum	08/15/2006
10 JDM to produce final SEP report to ME DEP	Jay McCrum	09/15/2006

Expected project benefits

Environmental and Health benefits from project Reductions of fine particulate matter emissions from school bus diesel engines, reducing haze and reduction on amount of fine particulate matter inhaled by area children.

Donaldson's Spiracle retrofit units also reduce engine oil consumption and underhood/odor and fumes.

There are no economic benefits from this project for JDM

Reporting

A final report will be completed by JDM, as mentioned above This final report will include the following information for each school bus identified to be retrofitted

- School bus number and area of service
- Engine size and type
- Engine age
- Retrofit unit installation Date
- Retrofit unit type
- Total cost of retrofit unit for JDM (purchase and installation)

Certification

JDM certifies that this proposed SEP project is not result of substantive planning that occurred prior this enforcement action.

Date: 5/16/86

Signature: Jay Y. McCrum

Printed Name Jay Y. McCrum

Title Owner

Recipient Agreement

For and in consideration of the payments received in connection with the Supplemental Environmental Project described herein, the School Administrative District #42 ("SAD 42") agrees to perform, or be responsible for obtaining performance of, the services, study, or projects described in this document pursuant to the terms set forth herein. SAD 42 further agrees that this constitutes a binding agreement between SAD 42 and the Maine Department of Environmental Protection ("MDEP") and that the MDEP may take all appropriate actions to enforce the terms of this agreement.

SCHOOL ADMINISTRATIVE DISTRICT #42

BY: _____ DATE _____
 Title